

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES-VALLELLANES

Plaintiff

v.

UNITES STATES POSTAL SERVICE, et
al.

Defendants

CIVIL NO. 97-2459 (GAG/CVR)

REPLY TO PLAINTIFF'S RESPONSE

TO THE HONORABLE COURT:

COME NOW the Defendants and through the undersigned attorneys respectfully reply to plaintiff's response at **D.E. 380** by stating that even if postal employees who are summoned to appear in court on plaintiff's behalf are on official duties under E.L.M. Sections 516.51 and 516.52, that does not change the fact that Postal Service does not have to pay the attendance fees set forth at 28 U.S.C. §1821.

The fact that a postal employee is on official duties to be paid in accordance with postal internal regulations as to applicable travel expenses under E.L.M. Sections 516.51 and 516.52, does not mean that the Postal Service has to pay the attendance fees set forth at 28 U.S.C. §1821, which is precisely what the plaintiff has requested at **D.E. 378** from the Postal Service.

The fact that postal employees are on official duties does not take away plaintiff's responsibility and obligation to comply with

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28 U.S.C. §1821 as the issuing party to subpoenas to testify in court.

WHEREFORE, the defendants respectfully request from the Honorable Court that it take notice of the above and rule that if plaintiff wants to subpoena postal employees, he and not the Postal Service is to comply with 28 U.S.C. §1821 as to their attendance fees.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Miguel Miranda, Esq.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this 20th day September, 2007.

ROSA EMILIA RODRIGUEZ-VELEZ
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